

forward measure which we can pass today.

This bill will put the tools back in the hands of the people who work tirelessly in providing a safe environment for American families throughout this great country.

This amendment of FISA simply returns the law to its original intent, which is twofold: first, allowing surveillance of foreign targets, who were never underprotected under FISA; and second, guaranteeing the privacy and rights of U.S. persons, who remain protected.

It is time to address this situation. I would ask my colleagues to join me in pledging to pass legislation in this area before we recess. This is not about partisan politics.

This is about protecting Americans. We are all painfully aware of the continued dangers that our country continues to face at the hands of organized groups and dedicated individuals who desire nothing more than the collapse of our country as a superpower.

This is not a case of the boy who cried wolf. We know the threats are out there. However, each day that passes creates emotional distance between the nightmares of September 11, and each new day provides opportunities to heal.

We don't have to live our lives in fear, but we have to acknowledge that the world changed that day. Rather than obsessing over news reports, let's enjoy the tremendous opportunities that the greatest Nation on Earth provides.

And let's ensure that all of the dedicated and noble professionals who play a part in ensuring our liberty and safety are not hampered by nonpartisan problems that we have the ability to fix.

We always hear that the terrorists have an asymmetrical advantage over us: They do not operate as nation-states, and some of them are willing to die as suicide bombers.

But we have a massive asymmetrical advantage over them: Our technological prowess.

Are we to compromise one of our greatest strengths, when that strength is essential, effective and lawful?

I remind my colleagues that even though we will return to our States for the recess, our enemies and their threats don't go away. They don't adjust their schedules to fit ours.

Make no mistake, inaction on our part needlessly subjects every American to increased danger. We need to act.

We have two options: Cut into August recess if necessary to provide safety to Americans, or go home and leave this vulnerability intact.

The answer is an easy one: Let's ensure that our defenders have all of the tools they need for our continued safety, no matter how long it takes.

I urge my colleagues to join me in pledging to pass FISA modernization legislation before our recess. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

(The remarks of Mr. STEVENS pertaining to the introduction of S.J. Res. 17 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, at 11:33 a.m., the Senate recessed subject to the call of the Chair and reassembled at 8:08 p.m., when called to order by the Presiding Officer (Mr. TESTER).

The PRESIDING OFFICER. The majority leader is recognized.

THANKING THE PRESIDING OFFICER

Mr. REID. Mr. President, first of all, I express my appreciation to you, the Presiding Officer. You have been very patient all day, as have all the Members but you especially, having to be on standby and calling us back into session. I appreciate that very much.

PROTECT AMERICA ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to debate concurrently S. 2011, now at the desk, and S. 1927, as amended with the changes now at the desk; that there be 60 minutes of debate equally divided between the two leaders or their designees; that no amendments or motions be in order with respect to either bill; that at the conclusion or yielding back of time, the bills each be read a third time and the Senate vote on passage of S. 1927, as amended, to be followed by a vote on passage of S. 2011; that if either bill fails to achieve 60 votes, then the vote on passage be vitiated and the bill be placed on the calendar in the case of S. 2011 or returned to the calendar in the case of S. 1927, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 2011) cited as the "Protect America Act of 2007".

A bill (S. 1929) to amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information and for other purposes.

The amendment (No. 2649) to S. 1927 is as follows:

(Purpose: To provide a sunset provision)

At the end, add the following:

(c) SUNSET.—Except as provided in subsection (d), sections 2, 3, 4, and 5 of this Act, and the amendments made by this Act, shall cease to have effect 180 days after the date of the enactment of this Act.

(d) AUTHORIZATIONS IN EFFECT.—Authorizations for the acquisition of foreign intelligence information pursuant to the amendments made by this Act, and directives issued pursuant to such authorizations, shall remain in effect until their expiration. Such

acquisitions shall be governed by the applicable provisions of such amendments and shall not be deemed to constitute electronic surveillance as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)).

Mr. REID. Mr. President, I ask on our time that Senator ROCKEFELLER be given 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I thank the distinguished majority leader and the distinguished Presiding Officer.

Mr. President, the Rockefeller-Levin bill before the Senate will provide the Director of National Intelligence, Mike McConnell, the temporary authorities he needs to expand his ability to collect time-sensitive intelligence against foreign targets as the Congress continues to work on a more lasting effort to reform the Foreign Intelligence Surveillance Act, or FISA, after 6 months has passed.

I wish to make this very clear. The Rockefeller-Levin bill is the bill of the Director of National Intelligence, who was appointed by the President to be in charge and make all decisions with respect to this matter. In the statement DNI McConnell put out at 4:39 this evening, he said:

I urge Members of Congress to support the legislation I provided last evening to modify FISA and equip our intelligence community with the tools we need to protect our Nation.

Mr. President, I ask unanimous consent to have printed in the RECORD the DNI's full statement at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ROCKEFELLER. He is talking about our bill, the bill I am now talking about. The Rockefeller-Levin bill is the bill the DNI is referring to in his statement. I am not shy about saying that; I am proud of it. The bill he provided to us last evening—that is our bill, not the other one, our bill—is not the Bond bill that was filed 2 days ago. It is our bill.

Our bill takes the DNI's preferred bill and modifies it in a limited number of ways to make it stronger without in any way diminishing the fundamental intelligence authorities the DNI needs. Our bill includes a sunset provision of 6 months, the same sunset provision or period that is contained in the Bond bill, I might add, and we are told that the DNI accepted. In fact, he has told us specifically he accepts it.

Our modified DNI bill—Director of National Intelligence—would allow our intelligence community to begin the surveillance of terrorist suspects, targets located overseas, immediately upon the signing of the bill, even if those targeted calls enter the United States. In other words, you start immediately in the collection. Why is this? Because the collection is not complete. We are not going in all